

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Statement of Issues
Against:**

Shalena Therese Garza, M.D.

**Physician's and Surgeon's
Certificate No. A 152022**

Applicant.

Case No. 800-2015-012363

DECISION

**The attached Proposed Decision After Remand is hereby adopted as
the Decision and Order of the Medical Board of California, Department of
Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on December 11, 2020.

IT IS SO ORDERED November 13, 2020.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D., Chair
Panel A**

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues against:

SHALENA GARZA, Applicant

Agency Case No. 800 2015 012363

OAH No. 2015120952.1

PROPOSED DECISION AFTER REMAND

Laurie R. Pearlman, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), heard this matter on remand on September 21, 2020, by videoconference.

Brian D. Bill, Deputy Attorney General, appeared and represented complainant, the Executive Director of the Medical Board of California (Board).

Shalena Garza (applicant) appeared and represented herself.

Oral and documentary evidence was received, argument was heard, and the matter was submitted for decision on September 21, 2020.

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PROCEDURAL HISTORY

Application

Applicant attended medical school in the Caribbean. On May 2, 2014, applicant submitted a Physician's and Surgeon's License Application (Application) to the Board. On March 10, 2015, the Board denied the Application. On October 27, 2015, complainant filed a Statement of Issues after applicant challenged the denial.

OAH Hearing

The ALJ conducted a hearing in this matter on January 31, 2017, in Los Angeles, California. Trina L. Saunders, Deputy Attorney General, represented complainant Kimberly Kirchmeyer, who was then the Board's Executive Director, Department of Consumer Affairs. John D. Bishop, Attorney at Law, represented applicant, who was present. Oral and documentary evidence was received at the hearing, oral argument was presented, and the matter was submitted for decision on January 31, 2017. On March 1, 2017, the ALJ issued a Proposed Decision.

Board Decision

On May 25, 2017, the Board issued an Order of Non-Adoption of the Proposed Decision. Oral argument was heard on July 27, 2017. The Board issued a Decision after Non-Adoption on August 23, 2017.

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In its decision, the Board found cause existed to deny the application in that applicant:

1. Failed to complete a minimum of four months of general medicine training, as required of foreign medical graduates pursuant to Business and Professions Code (Code) section 2096;
2. Was guilty of unprofessional conduct and incompetence, pursuant to Code sections 475, subdivision (a) (4), 480, subdivision (a)(3)(A), and 2234, subdivision (d); and
3. Was guilty of conduct which, if done by a licensee, would be grounds for suspension or revocation of licensure, pursuant to Code sections 475, subdivision (a)(1), 475, subdivision (a)(4), 480, subdivisions (a)(2) and (d), and 2234, subdivisions (e) and (f).

The Board also determined that applicant's unsatisfactory residency evaluations indicated she lacked sufficient understanding of the core competencies necessary to safely practice medicine. The Board further determined that applicant did not satisfactorily complete two years of Accreditation Council for Graduate Medical Education (ACGME) accredited postgraduate training.¹

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¹ ACGME evaluates and accredits all graduate medical training programs for physicians in the United States.

The Board issued a five-year probationary license to applicant, with terms and conditions which included:

1. That applicant be accepted into and successfully complete an ACGME-approved postgraduate residency training program in California;
2. A psychological evaluation; and
3. Psychotherapy.

On September 13, 2017, applicant filed a Request for Reconsideration. On September 15, 2017, the Board issued a stay to review applicant's request for reconsideration. On September 22, 2017, the Board denied the request for reconsideration.

Los Angeles Superior Court Writ

On November 2, 2017, applicant filed a Petition for Writ of Administrative Mandamus (Writ) in the Los Angeles Superior Court (Court). On November 3, 2017, applicant filed an ex parte Application for Stay of the Administrative Decision. The Court denied the stay. On February 2, 2018, the Court again denied applicant's request for stay after a noticed hearing.

On May 14, 2019, a hearing on the Writ petition was conducted. On July 2, 2019, the Court entered a judgment partially granting the Writ. Relevant to the issues on remand, the Court affirmed the following:

1. The Board's conclusion that applicant failed to complete the minimum postgraduate training required of foreign medical graduates. Specifically, applicant

failed to prove that she had completed satisfactorily two years of postgraduate training and four months of general medicine training.

2. Applicant's performance during her residency programs at both Indiana University and Oklahoma University does not fulfill the "satisfactory completion" requirement set forth in Code section 2096.

3. The Board's conclusion that applicant was guilty of unprofessional conduct and incompetence based upon the poor evaluations from Indiana University and Oklahoma University.

Issues on Remand

The Court denied Applicant's Writ, in part, and granted it, in part. The Court remanded the matter to the Board to determine the following:

1. Does the Board have authority to issue a probationary license when satisfactory post-graduate training has not occurred?

2. Did the Board impose an impossible probationary term by requiring that applicant be admitted to, and successfully perform in, an ACGME approved post-graduate training program in California, for a period of three years?

Complainant's Contentions

In order to be eligible for a physician's and surgeon's license in California, an applicant must successfully complete 36 months of ACGME-accredited postgraduate training that includes four months of general medicine, and the applicant must complete 24 consecutive months of training in the same program. Because it was previously determined that applicant failed to fulfill these licensure requirements,

complainant asserts that the Board lacks the legal authority to issue a probationary license to applicant. Accordingly, complainant further contends that it is not necessary to reach the second issue to determine whether admission to, and completion of, a post-graduate training program constitutes an impossible probationary term.

Applicant's Contentions

Applicant does not take a position as to whether or not the Board has the legal authority to issue a probationary license to a candidate who has not met the postgraduate training requirements. She seeks issuance of "a free and clear medical license." (Ex. BB, p. 1.) Applicant asserts that it is impossible to obtain admission to an approved postgraduate training program with a probationary license.²

FACTUAL FINDINGS

1. Appellant has made numerous and serious efforts to obtain admission to an ACGME-approved post-graduate training program in California. However, to date, applicant has not been admitted to any such training program.

² At the remand hearing, applicant also asserted, for the first time, that the Board should issue her a Postgraduate Training License (PTL). Residents obtain a PTL after enrollment in a postgraduate training program in order to practice medicine as part of the training program. Because no evidence was presented to establish that applicant applied for or was denied a PTL, that issue is not properly raised in this remand proceeding and will not be considered.

2. Applicant asserts that an ACGME-approved post-graduate training program will not admit a candidate with a probationary license and argues that issuance of a Board decision enumerating a record of poor performance in prior residency programs has also rendered compliance with this probationary term impossible.

3. Applicant did not present evidence establishing why she has not been successful in gaining admission to a training program. While applicant has not been admitted to a training program to date, the evidence presented did not establish that gaining admission would be impossible.

4. Applicant attended medical school in the Caribbean and, therefore, is a foreign medical graduate.

LEGAL CONCLUSIONS

1. Before a physician's and surgeon's license may be issued, each applicant must satisfactorily complete at least two years of postgraduate training. (Bus. & Prof. Code, § 2096, subds. (a) & (b).)

2. The postgraduate training shall include at least four months of general medicine and shall be obtained in an approved postgraduate training program. (Bus. & Prof. Code, § 2096, subd. (c).)

3. The Board may deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license. The board in its sole

discretion, may issue a probationary physician's and surgeon's certificate to an applicant subject to terms and conditions. (Bus. & Prof. Code, § 2221, subd. (a).)

4. Administrative agencies have only those powers which have been conferred upon them, expressly or by implication, by constitution or statute. (*B. W. v. Bd. of Medical Quality Assurance* (1985) 169 Cal.App.3d 219, 233-234.) An administrative agency, therefore, must act within the powers conferred upon it by law and may not validly act in excess of such powers. (*Id.* at 234.) When an administrative agency acts in excess of the powers conferred upon it, its action is void. (*Ibid.*)

5. The Legislature has granted the Board the power to enforce the Medical Practice Act (Act), including the power to grant or deny applications for licensure and the power to conduct post-denial due process hearings. The Legislature has granted the Board the sole discretion to issue probationary licenses and the power to create administrative regulations to further the will of the Legislature and to properly enforce the Act. The Legislature has not granted the Board the authority to act in opposition to a statute, or to create statutory exceptions. Rather, the Board is obligated to enforce the Act as it was written by the Legislature.

6. In determining the proper application of a statute, the Court must ascertain the intent of the Legislature so as to effectuate the purpose of the law. (*Marquez v. Medical Bd. Of California* (2010) 182 Cal. App. 4th 548, 557.) The Court begins a statutory analysis by reviewing the plain language of the statute. (*Ibid.*) The Court accords each word its ordinary meaning. (*Ibid.*) If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of legislative intent. (*Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 977.)

7. The plain language of Code section 2096 is clear and no further statutory interpretation is required. The Legislature mandated that satisfactory completion of Code section 2096 requirements is a condition precedent to license eligibility. The Legislature mandated that license eligibility is contingent upon a foreign medical graduate applicant proving each of the following:

1. The applicant must successfully complete the two-year postgraduate study requirement; and
2. The two-year postgraduate study must have included at least four months of general medicine training; and
3. The applicant must provide sufficient evidence, in a form satisfactory to the Board, proving compliance with requirements 1 and 2.

8. An applicant who fails to satisfy any of the three elements is statutorily ineligible for licensure.

9. Applicant failed to sustain her burden as to all three required elements. The Board determined, and the Superior Court affirmed, that Applicant failed to successfully complete both the two-year and the four-month requirements, rendering her ineligible for licensure. As a result, the Board correctly determined that Applicant's application should be denied. On writ, the Court affirmed the Board's factual finding and legal conclusions.

10. Applicant failed to prove compliance with Code section 2096, and therefore, is ineligible for licensure as a matter of law. Since there are no exceptions to the Code section 2096 requirements, and the Board lacks authority to create exceptions, the Board was required to deny the application.

11. An agency's discretion is not unfettered. (*Kolender v. San Diego County Civil Service Com.* (2005) 132 Cal.App.4th 716, 721.) A Board's legislatively delegated power to make rules and regulations is administrative in nature and does not include the power to make laws; it has only the power to adopt regulations to carry into effect the will of the Legislature as expressed by the statute. (*Whitcomb Hotel v. California Employment Commission* (1944) 24 Cal. 2d 753, 759.)

12. Pursuant to Code section 2221, subdivision (a), the Board in its sole discretion may issue a probationary license. However, the Board's discretion to do so is limited. The statute only applies to applicants who have committed unprofessional conduct or an act that constitutes grounds for license revocation. It allows the Board to issue a probationary license to an applicant who is eligible for licensure, but does not satisfy the requirements for an unrestricted license. However, Code section 2221, subdivision (a), does not provide a path to licensure for applicants who are deficient in the requisite postgraduate training.

13. An administrative action is void if it is not authorized by, or is inconsistent with, acts of the Legislature. (*In re J.G.* (2008) 159 Cal.App.4th 1056, 1067.) Similarly, an administrative act which alters, amends, enlarges, or impairs a statute is void. (*Cinquegrani v. Department of Motor Vehicles* (2008) 163 Cal.App.4th 741, 751.) Administrative actions that violate acts of the Legislature are void and cannot be justified as an exercise of discretion. (*Morris v. Williams* (1967) 67 Cal.2d 733, 737.) It is fundamental that an administrative agency may not usurp the legislative function, no matter how altruistic its motives may be. (*City of San Joaquin v. State Bd. of Equalization* (1970) 9 Cal.App.3d 365, 374.)

14. The granting of a probationary license to an applicant deficient in postgraduate training directly contradicts the legislative requirements set forth in

Code section 2096. Since the Board properly determined that applicant failed to comply with section 2096, applicant is statutorily ineligible for licensure. The Board's decision to grant a probationary license in this matter is not authorized by statute. Therefore, the granting of a probationary license to applicant is a void act.

15. Applicant failed to present sufficient evidence to establish that it is impossible for her to comply with the probationary term requiring that she be admitted to and complete an ACGME-approved post-graduate training program in California.

16. In any event, applicant does not meet the statutory requirements to qualify for a California Physician's and Surgeon's certificate. Her application for licensure must be denied and the issue of impossibility of compliance with the ACGME residency term is moot.

17. The party challenging the scope of an administrative decision has the burden of showing the agency abused its discretion or its findings were unsupported by the facts. (*Building Industry Assn. of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 866, 888-889 (finding the agency did not have the burden to affirmatively demonstrate that compliance with a requirement was possible).)

18. While applicant attempted to comply with the approved training requirement, she failed to produce sufficient evidence of impossibility.

19. Impracticable does not mean impossible, but rather difficulty or inconvenience. (*Building Industry Assn. of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 866, 889-890, citing *Primavera Familienstiftung v. Askin* (S.D.N.Y. 1998) 178 F.R.D. 405, 409.)

ORDER

1. Shalena Garza's application for a physician and surgeon's license is denied.
2. The Board's prior order granting a probationary license is rescinded.

IT IS SO ORDERED.

DATE: October 21, 2020

DocuSigned by:
Laurie Pearlman
LAURIE R. PEARLMAN

Administrative Law Judge

Office of Administrative Hearings

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 27, 2015
BY: JTECHAK ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. 800-2015-012363

SHALENA GARZA

STATEMENT OF ISSUES

**14454 Plantana Drive
La Mirada, CA 90638**

Applicant.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. The Medical Board of California, Department of Consumer Affairs ("Board")¹ received a Physician and Surgeon's License application from Applicant Shalena Garza ("Applicant"), which was notarized on May 2, 2014. In her application, Applicant certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the

¹ The term "Board" means the Medical Board of California.

1 application. The Board denied the application on March 10, 2015. Applicant requested a hearing
2 on March 10, 2015.

3 JURISDICTION

4 3. This Statement of Issues is brought before the Board, under the authority of the
5 following laws. All section references are to the Business and Professions Code unless otherwise
6 indicated.

7 4. Section 475 of the Code states in pertinent part, that:

8 "(a) Notwithstanding any other provisions of this code, the provisions of this division shall
9 govern the denial of licenses on the grounds of:

10 "(1) Knowingly making a false statement of material fact, or knowingly
11 omitting to state a material fact, in an application for a license.

12 "..."

13 "(4) Commission of any act which, if done by a licentiate of the business or
14 profession in question, would be grounds for suspension or revocation of license.

15 5. Section 480 of the Code states in pertinent part, that:

16 "(a) A board may deny a license regulated by this code on the grounds that the applicant
17 has one of the following:

18 "..."

19 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
20 benefit himself or herself, or another, or substantially injure another.

21 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
22 would be grounds for suspension or revocation of license.

23 "..."

24 "(d) A board may deny a license regulated by this code on the ground that the applicant
25 knowingly made a false statement of fact that is required to be revealed in the application for the
26 license."

27 6. Section 2221 of the Code states in pertinent part, that:
28

1 “(a) The board may deny a physician's and surgeon's certificate to any applicant guilty of
2 unprofessional conduct or of any cause that would subject a licensee to revocation or suspension
3 of his or her license.

4 7. Section 2234 of the Code, states in pertinent part, that:

5 “The board shall take action against any licensee who is charged with unprofessional
6 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
7 limited to, the following:

8 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
9 violation of, or conspiring to violate any provision of this chapter.

10 “...”

11 “(d) Incompetence.

12 “(e) The commission of any act involving dishonesty or corruption that is substantially
13 related to the qualifications, functions, or duties of a physician and surgeon.

14 “(f) Any action or conduct which would have warranted the denial of a certificate.

15 8. Unprofessional conduct under section 2234 of the Code is conduct which breaches the
16 rules of ethical code of the medical profession, or conduct which is unbecoming to a member in
17 good standing of the medical profession, and which demonstrates an unfitness to practice
18 medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal. App.3d 564, 575).

19 9. Section 2096 of the Code states in pertinent part, that:

20 “...”

21 “(b) An applicant applying pursuant to Section 2102 shall show by evidence satisfactory to
22 the board that he or she has satisfactorily completed at least two years of postgraduate training.

23 “(c) The postgraduate training required by this section shall include at least four months of
24 general medicine and shall be obtained in a postgraduate training program approved by the
25 Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of
26 Physicians and Surgeons of Canada (RCPSC).

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STATEMENT OF FACTS

10. On November 4, 2009, the Board received an "Initial and Update Application for Physician's and Surgeon's License or Postgraduate Training Authorization Letter," from applicant Shalena Garza ("Applicant"). On the application, in response to the following question: "Were any limitations or special requirements placed upon you for clinical performance, discipline, or for any other reason?," Applicant checked the "no" box. On the last page of the application, Applicant initialed the box next to the statement, "I understand that falsification or misrepresentation of any item or response on this application or any attachment hereto is a sufficient basis for denying or revoking a license." Applicant signed the application under the penalty of perjury, declaring that all of the information contained in the application was true and correct, and her signature was notarized.

11. On April 28, 2011, the Board received an updated "Initial and Update Application for Physician's and Surgeon's License or Postgraduate Training Authorization Letter." On the application in response to the following question: "Were any limitations or special requirements placed upon you for clinical performance, discipline, or for any other reason?," Applicant checked the "no" box.

12. On May 11, 2011, the Indiana University School of Medicine Director indicated that they had placed a limitation on Applicant stating: "due to concerns about [Applicant's] inability to adequately care for or admit a full patient load on a continuous basis schedule changes were made to place [Applicant] on rotations where she would not experience a full patient case load as managed by her peers on a continuous basis."

13. The Board received a Physician's and Surgeon's License application from Applicant, which was notarized on May 2, 2014. In the application, Applicant answered "yes" to questions 24, 25, 27, 31 and 32, all of which were contained in the section of the application with the heading "Unusual Circumstances During Postgraduate Training" and dealt with having received partial or no credit for a postgraduate training program. The unusual circumstances might include the following reasons for receiving partial or no credit: taking a leave of absence or break from postgraduate training, resigning from a program, having practice limitations placed upon her due

1 to clinical performance, professionalism, medical knowledge, discipline, and for having a
2 postgraduate training program not be renewed or offered, and/or for any other reason.

3 14. Subsequent to receipt of Applicant's application for licensure, the Board received a
4 Certificate of Completion of ACGME Postgraduate Training from the Indiana University School
5 of Medicine, in which the following facts regarding the Applicant's performance in the Indiana
6 University Internal Medicine Residency Program (hereafter, "Indiana Program") were provided:
7 The Applicant began her postgraduate program training as a PGY1 resident on June 24, 2010; due
8 to concerns about Applicant's ability to adequately care for or admit a full patient load on a
9 continuous basis, schedule changes were made to place Applicant in rotations where she would
10 not experience the full patient care load as managed by her peers on a continuous basis; the
11 Indiana Program required that Applicant seek psychological counseling/assessment in relation to
12 her stressors when she was noted to not be functioning well as compared to her peers; Applicant
13 took several leaves of absences to deal with stressors; she did not receive full credit for her time
14 in the Indiana Program as she received five and one-half month credit at a marginal rating; she
15 resigned from the program on February 9, 2011. The Indiana Program also certified that
16 Applicant had not completed the required minimum of four months of general medicine as part of
17 its postgraduate training program.

18 15. The Indiana Program provided the Board with documentation of its concerns with the
19 Applicant's professionalism and competence. The Applicant provided the Board with her own
20 explanations of her performance and the events that occurred during her participation in the
21 Indiana Program.

22 16. Subsequent to receipt of Applicant's application for licensure, the Board received a
23 Certificate of Completion of ACGME Postgraduate Training from the University of Oklahoma
24 Health Science Center, in which the following facts regarding the Applicant's performance in the
25 Oklahoma Anatomic Pathology/Clinical Pathology Residency Program (hereafter, "Oklahoma
26 Program") were provided: The Applicant began her postgraduate program training as a resident
27 on July 1, 2012; on November 20, 2013, Applicant was placed on a corrective action plan for
28 remediation and directed to improve her fund of medical knowledge and knowledge application;

1 on March 3, 2014, Applicant was removed from clinical pathology call but not anatomic call; on
2 June 8, 2014, Applicant's clinical call was reinstated but she was not placed on the call schedule
3 for either clinical or anatomic call prior to her resignation on June 30, 2014; on February 28,
4 2014, Applicant was informed of the Oklahoma Program's decision to not renew her contract
5 effective June 30, 2014; the Oklahoma Program accepted Applicant's resignation effective June
6 30, 2014. The Oklahoma Program also certified that Applicant had not completed the minimum
7 requirement of four months of general medicine as part of its postgraduate training program.

8 17. The Oklahoma Program provided the Board with documentation of its concerns with
9 the Applicant's professionalism and competence. The Applicant provided the Board with her
10 own explanations of her performance and the events that occurred during her participation in the
11 Oklahoma Program.

12 18. Review of the Applicant's Application, the reports from the Indiana Program and
13 Oklahoma Program, and her explanations of her performance, and the events that occurred during
14 her participation in both programs, demonstrate serious global deficiencies. Moreover, these
15 sources demonstrated that the Applicant was unable to remediate these serious global deficiencies
16 despite being afforded the opportunities to do so. The Board denied Applicant's application for a
17 Physician's and Surgeon's Certificate on March 10, 2015.

18 19. On March 10, 2015, Applicant requested an administrative hearing.

19 **FIRST CAUSE FOR DENIAL OF APPLICATION**

20 (Failure to Complete Required Postgraduate Training)

21 20. The facts alleged in paragraphs 14 and 16, above, are incorporated herein by reference
22 as if fully set forth.

23 21. Applicant's application is subject to denial under section 2096 of the Code in that she
24 has not completed the required minimum of four months of general medicine training as part of
25 her postgraduate training program. Both the Indiana Program and Oklahoma Program certified
26 that Applicant has not completed the required minimum of four months of general medicine
27 training as part of their postgraduate training programs.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 (Unprofessional Conduct and/or Incompetence)

3 22. The facts alleged in paragraphs 14, 15, 16, 17, and 18 above, are incorporated herein
4 by reference as if fully set forth.

5 23. Applicant's application is subject to denial under sections 475(a)(4) and/or
6 480(a)(3)(A) and/or 2234(d) (incompetence) of the Code in that Applicant is guilty of conduct,
7 which if done by a licentiate, would be grounds for suspension or revocation of license, i.e.,
8 unprofessional conduct and/or incompetence.

9 **THIRD CAUSE FOR DENIAL OF APPLICATION**

10 (Unprofessional Conduct and/or Dishonesty)

11 24. The facts alleged in paragraphs 10, 11, 12, and 13, above, are incorporated herein by
12 reference as if fully set forth.

13 25. Applicant's application is subject to denial under sections 475(a)(1) (false statement)
14 and/or 475(a)(4) (commission of any act that would be grounds for suspension or revocation of
15 license) and/or 480(a)(2) (dishonesty) and/or 480(d) (false statement) and/or 2234 (unprofessional
16 conduct) and/or 2234(e) (dishonesty); and/or 2234(f) (any act or conduct that would warrant
17 denial of license) of the Code in that Applicant is guilty of conduct which, if done by licentiate,
18 would be grounds for suspension or revocation of licensure, i.e. unprofessional conduct and/or
19 dishonesty and/or making false statements.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Medical Board of California issue a decision:


- 23 1. Denying the application of Shalena Garza for a Physician's and Surgeon's Certificate;
24 2. If issued a probationary license, ordering Applicant to pay the Medical Board of
25 California costs of probation monitoring upon order of the Board; and,
26 3. If placed on probation, denying approval of the Applicant's authority to supervise
27 physician assistants; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: October 27, 2015


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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